

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP  
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE  
COMMUNICATIONS SYSTEMS LLC; and  
EXTREME NETWORKS, INC.,

Defendants.  
----- X

Case No. 3:20-cv-00451-CEA-DCP

U.S. District Judge Charles E. Atchley

**DECLARATION OF SAURABH PRABHAKAR**

I, Saurabh Prabhakar, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at Debevoise & Plimpton LLP. I have personal knowledge of the facts set forth in this declaration and can and will testify thereto under oath if called to do so.

2. As counsel for Extreme, I participated in over six hours of meet and confers with counsel for Plaintiffs SNMP Research Inc. and SNMP Research International, Inc. (collectively, “SNMPR”) on their Rule 30(b)(6) notice to Extreme.

3. I participated in a meet and confer with SNMPR on December 8 where Topic 9 was discussed between the parties. Extreme told SNMPR that it was impossible for a single witness to testify about each and every Interrogatory response provided by Extreme because Extreme’s Interrogatory responses cover discrete, substantive subjects, were prepared with the involvement of attorneys, and in many cases involve legal topics and objections. Instead, Extreme offered to “designate a witness knowledgeable about the scope of Extreme’s efforts to collect of Documents

in response to the written discovery,” as stated in Extreme’s response to SNMPR’s Rule 30(b)(6) notice.

4. During the meet and confer, when SNMPR insisted that it required testimony from Extreme about its Interrogatory responses, Extreme offered to Plaintiffs that the Interrogatory responses contained factual information that was already covered by other topics in SNMPR’s 30(b)(6) notice. Accordingly, Extreme would agree to prepare the witness designated on the substantive topics to provide testimony on the facts contained in the Interrogatory responses that related to those topics. And to the extent the Interrogatory responses included documents, SNMPR could ask about the process of collecting those documents to the witness designated on Topic 9. Extreme understood SNMPR to agree with Extreme’s offer on Topic 9 and moved on to the other topics in dispute.

5. Subject to the parties’ agreement during the December 8, 2023 meet and confer, Extreme agreed to designate a witness on Topic 9 and did not include this topic in the motion for protective order that was submitted to the court on January 5, 2024.

6. On December 20, 2023, I sent an email to SNMPR’s counsel confirming that, based on the parties’ meet and confer, Extreme would designate a witness on Topic 9. SNMPR’s response to Extreme’s email that stated “we expect Extreme to abide by what we discussed on the meet and confer calls,” confirms that the parties had an agreement on the scope of Topic 9. *See* ECF No. 364-3, at 1.

7. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt of Extreme’s Responses and Objections to Plaintiffs’ Notice of Deposition of Extreme Networks, Inc. Pursuant to Rule 30(b)(6).

8. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt of the transcript of Kaylee Freeman, Extreme's 30(b)(6) deponent.

9. Attached hereto as **Exhibit 3** is a true and correct copy of an excerpt of the transcript of Michael J. Fitzgerald, Extreme's 30(b)(6) deponent.

10. Attached hereto as **Exhibit 4** is a true and correct copy of an excerpt of the transcript of Dan DeBacker, Extreme's 30(b)(6) deponent.

11. Attached hereto as **Exhibit 5** is a true and correct copy of SNMP Research, Inc.'s First Set of Interrogatories to Extreme Networks, Inc.

Executed on April 2, 2024 in San Francisco, CA.

/s/ Saurabh Prabhakar  
Saurabh Prabhakar